

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

YAKOV G DRABOVSKIY : DOCKET NO. 2:07-cv-1385
Section P
VS. : JUDGE TRIMBLE
JOE P. YOUNG, WARDEN : MAGISTRATE JUDGE WILSON

ORDER

Currently before court is a motion filed by *pro se* petitioner, Yakov Drabovskiy. By this motion, the petitioner seeks to have the court grant him the relief that he seeks in his petition for writ of *habeas corpus* due to the respondent's failure to file a response to his petition as ordered. The petition is filed pursuant to 28 U.S.C. §2241 and challenges petitioner's detention in immigration custody.

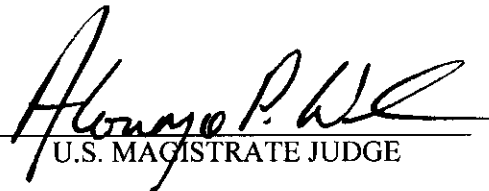
A default judgment under Fed.R.Civ.P. Rule 55 is proper when the party against whom a judgment for affirmative relief is sought fails to plead or otherwise defend the action. It is "an extreme judgment that is disfavored in *habeas corpus* cases." *Lemons v. O'Sullivan*, 54 F.3d 357, 364-54 (7th Cir. 1995); *United States ex rel. Mattox v. Scott*, 507 F.2d 919, 924 (7th Cir. 1974); *Stines v. Martin*, 849 F.2d 1323, 1324 (10th Cir. 1988); *Aziz v. Leferve*, 830 F.2d 184, 187 (11th Cir. 1987).

Further, a review of the record in this case reveals that although the order directing service of process was signed on October 25, 2007, summons was not issued to all of the respondents until November 5, 2007, thereby causing the response to be due on or before November 26, 2007. Thus, the respondents' time to answer has not yet expired.

Accordingly,

IT IS ORDERED that this motion be and it is hereby DENIED.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, November 20, 2007.


U.S. MAGISTRATE JUDGE